

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**1:07cv95**

**HENDERSON OIL COMPANY, INC.,** )  
 )  
 **Plaintiff,** )  
 )  
 **Vs.** )  
 )  
 **RON L. COWART,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the court on plaintiff's Motion to Cancel Hearing. Having considered plaintiff's motion and reviewed the pleadings, the court enters the following Order.

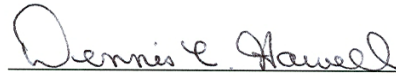
**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff's Motion to Cancel Hearing (#72) is **GRANTED**, the hearing set for October 29, 2008, is **CANCELLED**, and third-party Smoky Mountain is granted leave and directed to disburse any funds held by it in connection with the state court action in accordance with the confidential agreement reached by Henderson Oil, Mr. Cowart, and Smoky Mountain.

The respective parties and counsel are commended for their amicable resolution of this matter.

Signed: October 28, 2008

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Dennis L. Howell  
United States Magistrate Judge

